App.F.IX-4

1925.

File No. 203-25

Previous References (" Courts)

Serial Nos. 1

Later references.
Ins 185-25 (1-18)
– 112-26–1

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. ~~One~~ ✓

Part B for February 1926

SUBJECT

R A Subject no 68 of October 1925 re the appointment of a separate clerk and a peon for each Bench Court.

GOMOP 405-9-66 & 23-2-26 Home Dist Magistrate Dhab.

Passes orders re the disciplinary control of the Bench magistrates over Taluk clerks made to work under them.

M Zenger
8/3/26.

FORM I.

1181 of 1925.

Memorandum of Subjects proposed for discussion in the.....

Session of the Representative Assembly of the.....District.

For the .....Session of.....192

No. 17.

Subject :- Appointment of a full time clerk to each Bench Magistrate's Court.

Summary of Representation.

In the interests of the efficiency of work a full-time clerk may be sanctioned to each of the Bench Magistrate's court in the State.

Name of Member proposing

Mr. Nadig Aswatha Rao,
R.A.member of Kumsi Sub-Taluk Constituency

Vide note 5

Subject No. 7, (Diary No. 1181 of 1925-1925.)

Assistant Secy's Note on subject No.7:

The need for a permanent clerk is not apparent, so long as there is a clerk to attend to the work. If at all the taluk offices which spare clerks to the Bench courts, should represent that a clerk cannot be spared. Where the state of work in a Bench court demands it- as in Dt. Head quarter courts - permament clerks sometimes more than one have been given.

Previous references relating to the subjects.

As regards peons, the District Headquarter courts and all courts in the Districts of Tumkur Hassan and Chitaldrug have peons of their own, and the question of giving peons to the courts in other districts, wh

Remarks by the Deputy Commissioner.

where the separation scheme was startedearlier, is under consideration'

(Vide D No. 2857 Of 1925-26 Cts File 185-25)

WD 1901—GPB—1,000—23.3.25

2nd CAG

10/9/25

No.3306-12 Office of the Secretary, R.A.

6th December 1925.

Official Memorandum.

A list of promises made by the Government at the recent Dasara Session of the Representative Assembly is herewith forwarded with compliments to the Secretary, Local and Legis.Depts.

By Order,

Sd/- R.Ranga Rao

Secretary, Rep.Assembly

Sub.No.68.

Appointment of a clerk and a peon for each Bench Court. — The matter will be considered.

Put up

The question of providing a peon for each Bench court has been separately worked up and put up (vide D.no 1993 - I in 4/12)

2) As regards the appointment of a clerk, as long as [illegible] Court peons a clerk for the work of the Bench court there seems to be no necessity. Wherever there is a necessity clerks have been provided. The question may be taken up when there is a pressing need for the same

Put up for orders 3)

12/12/25 The discussion in the Assembly turned more upon the necessity of a peon than of a clerk. To make the matter clear, the R.A. Section may be requested to put up a copy of the discussions on the subject

12/12/25

To Record Office for favour of compliance

12/12

Please see para 2 of order where clerks have been given to Bench courts

12/12

Put up

The list prepared in another connection is put up vide D.no 1993. Appln No section is with below up.

BR

The corrected draft proceedings, after perusal by the Secretaries concerned, have been sent to the Press. The receipt of the proof copies ~~are~~ has to be awaited. This may be sent here, say, after a week.

To the Prots. Br.

14.12.25.

Send for perusal.

14/12

14.12

Sec

Please may be sent to the R.A Section for kindly putting up a copy of the ~~proceedings~~ discussions

23/12/25 To the RA Office

OFFICE OF THE SECRETARY
23 DEC 1925
REPRESENTATIVE ASSEMBLY,
LEGISLATIVE COUNCIL &
ECONOMIC CONFERENCE

A copy of the discussions in part II: C Notes of up as desired.

23/1

(Protection Br)

Send

There are 20 Bench Courts in the State including the temporary Bench Court at Kolara and the Bench Courts at Yelandur and Srirangapatna. out of these, 9 Bench Courts have got clerical establishment. If a clerk on Rs 25/- is to be given for the

x 1) Bangalore city
2) Closepet
3) Mysore city
4) Tavekerekere
5) Shimoga
6) Chikmagalur
7) Hassan
8) Tumkur
9) Kolara

Serial No

remaining courts the cost comes to Rs 71 x 25 or Rs 1775 p.m. or Rs 21,300/- per annum. It is a point for consideration whether this amount can be provided for in the budget year after year. Wherever there is a real necessity clerks have been sanctioned. Std proceedings

20/1/26 10) Regarding remarks for Bench Courts, the Dt Magts have been addressed, under the Dewan's orders, enquiring whether the present practice of sparing a peon from the Taluk Office when cases are heard may not be continued. The file is in Srs - 11) As regards Clerks

20/1 Such of the courts whose work demands a full time-clerk, as also Courts, where there is no Taluk Office to spare a Clerk, have been given separate Clerks. There have been representations, however, that it is difficult to spare clerks from Taluk offices. Anyway, in most of the Courts, this a clerk is lent from the Taluk office, that attends to the work. As the Bench Courts sit ordinarily twice or thrice a week usually & the work in many Courts is not much, there may be no need for a separate Clerk for each Court. Where necessity for a Clerk has been established clerks have been given, sometimes more than one.

12) The discussions in the Assembly (vide copy enclosed) laid more stress on

NOTE—Contn. Sheet

Serial No

The question of control of the Bench Clerks by the Bench Magistrates, as the Clerks were alleged to be irregular in attendance and not prompt in their work. As the Clerk belongs to the Taluk office, his conduct will have to be reported to the Bench Magistrates may not take any disciplinary action themselves. Whether they may be given some powers — eg fining — short of leave etc on a small scale, is a matter for consideration. Providing a separate Clerk for each Court & place him under the complete control of the magistrates would be too costly

Ltr Secy

13) Any scheme for providing a clerk to each of the Bench Courts in the State seems to involve a recurring cost of Rs 21,300 per year. Hence it is not possible to adopt any proposal.

Cag 27.1

It is, however, possible to allow Bench Courts to take disciplinary action over the clerks.

14) The discussion in R.A relates more to the entertainment of peons than to clerks.

3/1.2.26.

15) The condition of work in the Bench Courts does not justify the appt of a separate clerk for each. The proposal to appt a separate clerk for each Bench Court has therefore to be rejected.

Ltr Secy 30/1

Cag 30/1

NOTE—Contn. Sheet

Serial No.

16) As regards the disciplinary powers of the Bench Magistrates over the Court clerks made to work under them, I do not think that it will be necessary for the sanction of the Dewan are required, given due consideration to any report made by Bench Courts of the clerk & intimation to the Court the action taken on such reports. Cases in which the reports of the Bench Magistrate do not receive proper attention at the hands of the Amildars may be brought to the notice of Dewan for necessary action

1/2.

1.2

17) Submitted with draft for consideration

21/2/26

18) Draft may be approved

114
3.2.26

19) After draft as revised may be put up & submitted for perusal & approval of the Dewan

20) Submitted with draft

5/2/26 Dewan

Approved

4.2

17.2

DEWAN'S OFFICE.
RECD. ON 9 - FEB. 1926
Reg. No. 5862

Note—Contn. Sheet

WD 01264—GPB—40,000—17-12-25
App. F. III—2]

General and Revenue Secretariat

No. File No. 203 of 1926

Serial No.	
1	To The Dc magte Shimoga The Dc magtes of Dts. ROP 605-9-66 Dt 23.2.26 States that Govt Consider that it will be sufficient if the Amildars are required to give due Consideration to any reports made by the Bench Magtes against their clerks and intimate to the Court the action taken on such reports etc.

Proceedings

Subject No 68 (a)(b)

(a) Appointment of a clerk and a peon to each Bench court

Mr. K. P. Parasivayya, Kankanhalli Taluk.

(b) Appointment of a full-time clerk to each Bench Magistrate court.

Mr. Nadig Aswatha Rao, Kanara Sub Taluk.

(a) It is requested that a permanent clerk and a peon be appointed for each Bench court

(b) In the interests of the efficiency of work a full-time clerk may be sanctioned to each of the Bench Magistrate's court in the State.

Mr. K. P. Parasivayya said that the want of staff in Bench courts was keenly felt.

The First Member of Council replied that peons had already been given in some districts and that in regard to other districts the question was under consideration. As to clerks wherever the quantity of work required the services of a full-time clerk, a clerk had been provided

Mr. Mallappa brought to notice that there was no use of merely appointing clerks,

first that they should be subject to the
disciplinary control of the Bench Magistrates
As otherwise the clerks would not even attend
the Court in time and discharge their —
duties properly.

The First Member of Council promised
that Government would consider the matter.

—

Copy

12 copies MS 203-25-1

Proceedings of the Government of H.H. the Maharaja of Mysore.

Read:-

Subject No.68 of October Session of R.A. of 1925, re the appointment of a separate clerk and a peon for each Bench Court.

Order No.P. 4059-66

Dated Bangalore, 23/2/1926.

In the course of the discussion of the above subject in the Assembly it was represented that a separate full-time clerk should be appointed to each of the Bench Courts and that these clerks should be subject to the disciplinary control of the Bench Magistrates. Government are of opinion that the condition of work in most of the courts does not justify the appointment of a separate clerk for each of them. In the case of Bench courts -- which are situated in places where there are no Taluk offices or where the work is heavy enough to demand a full-time clerk, separate clerks have been already sanctioned. The present practice of deputing a clerk from the -- Taluk office for work in the Bench Courts may continue in the remaining courts.

May this be printed? treated as a Standing order?

2. As regards the disciplinary control of the Bench Magistrates over Taluk clerks made to work under them, Government consider that it will be sufficient if the Amildars are required to give due consideration to any reports made by the Bench

Magistrates

22/2

Magistrates against their clerks and intimate to the court the action taken on such ~~courts~~ reports. Cases in which the reports of the Bench Magistrates do not receive proper attention at the hands of the Amildars may be brought by them to the notice of the District Magistrates for necessary action.

3. Separate orders will issue on the representation for the appointment of a ~~se~~ate peon for each Bench Court.

Secretary to Govt.,
L.L.Depts.

To

The Dt.Magte,Shimoga for communication to the member who mooted the subject.

" Dt.Magtes. of other Dts.

Copy to R.A.Section.

KMM

3 3

S. O.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 4059-66—Cts. 203-25-1, dated 23rd February 1926.

Disciplinary Control of the Bench Magistrates.

Passes order *re* —— over Taluk Clerks made to work under them.

READ—

Subject No. 68 of October Session of Representative Assembly of 1925, *re* the appointment of a separate clerk and a peon for each Bench Court.

ORDER No. P. 4059-66—CTS. 203-25-1, DATED 23RD FEBRUARY 1926.

In the course of the discussion of the above subject in the Assembly it was represented that a separate full-time clerk should be appointed to each of the Bench Courts and that these clerks should be subject to the disciplinary control of the Bench Magistrates. Government are of opinion that the condition of work in most of the courts does not justify the appointment of a separate clerk for each of them. In the case of Bench Courts which are situated in places where there are no Taluk Offices or wherein the work is heavy enough to demand a full-time clerk, separate clerks have been already sanctioned. The present practice of deputing a clerk from the Taluk Office for work in the Bench Courts may continue in the remaining courts.

2. As regards the disciplinary control of the Bench Magistrates over Taluk Clerks made to work under them, Government consider that it will be sufficient if the Amildars are required to give due consideration to any reports made by the Bench Magistrates against their clerks and intimate to the court the action taken on such reports. Cases in which the reports of the Bench Magistrates do not receive proper attention at the hands of the Amildars may be brought by them to the notice of the District Magistrates for necessary action.

3. Separate orders will issue on the representation for the appointment of a peon for each Bench Court.

R. NAGAPPA,
Secretary to Government,
Local and Legislative Departments.

To—The District Magistrate, Shimoga, for communication to the member who mooted the subject.
The District Magistrates of other Districts.

Exd.—K. S.

W D 1015—GPB—410—3-3-26.